



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/725,136	12/01/2003	Dennis M. Turner	INFAN-053A	2648

7663 7590 11/16/2006

STETINA BRUNDA GARRED & BRUCKER
75 ENTERPRISE, SUITE 250
ALISO VIEJO, CA 92656

EXAMINER

HWANG, VICTOR KENNY

ART UNIT	PAPER NUMBER
----------	--------------

3764

DATE MAILED: 11/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/725,136

Applicant(s)

TURNER ET AL.

Examiner

Victor K. Hwang

Art Unit

3764

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☒ Claim(s) 5 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application
- ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings are objected to because it does not appear that the reference character "20" in Fig. 2 identifies the base frame padding as disclosed in paragraphs [0028] and [0029].

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: "14" identifying the base frame; "78" identifying the axle; and "64" identifying the toy bar strap. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid

abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: "56" found in Fig.
2. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

4. Claim 5 is objected to because of the following informalities: presumably, claim 5 should depend from claim 4 in order to provide antecedent basis for the recitation “the toy bar assembly” on lines 1-2. Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-3, 9, 10, 13, 14, 18 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by *Riback* (US Pat. 5,451,095). *Riback* discloses a baby gym-bouncer comprising a base assembly 21 having a generally arch-shaped base frame 31; a seat assembly 20 having a generally arch-shaped seat frame 34; and a handle assembly 30 connected to the base frame and pivotally connected to the seat frame. The handle assembly is configured such that the seat assembly may be selectively oriented in one of a bouncer position and a gym position, wherein the seat assembly is upwardly inclined relative to the base assembly in the bouncer position, the seat assembly being disposed in substantially abutting contact with the base assembly in the gym position such that the baby gym-bouncer assumes a substantially narrow cross-sectional profile. The seat frame 34 is configured to be resiliently deflectable downwardly relative to the base assembly when in the bouncer position. A toy bar assembly 27, having a plurality of toys, is

sized and configured to be complimentary to the seat assembly. The toy bar assembly is configured to be disposed in substantially abutting contact with the seat assembly.

The handle assembly 30 includes a pair of seat frame tracks 33,36,37,39 formed on opposing ends of the handle assembly, the seat frame tracks configured to maintain the seat assembly in the bouncer or gym positions. Each of the tracks includes an upper and a lower detent formed in the handle assembly, the upper and lower detents of respective ones of the seat frame tracks configured to maintain the seat assembly in the bouncer and gym position respectively.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 4-8, 11, 12, 15-17 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Riback* (US Pat. 5,451,095) in view of *Tomas et al.* (US Pat. 6,594,840 B2). *Riback* has been discussed above, and such discussion is incorporated herein. *Riback* discloses the invention as claimed except for the toy bar assembly having a toy bar frame pivotally mounted to the seat frame (claims 4 and 15); the toys releasably engaged to the toy bar assembly (claim 6); opposing ends of the toy bar frame each include a toy bar hub pivotally engageable with a toy bar mount such that the toy bar assembly may be selectively angularly oriented relative to the seat assembly (claims 8 and 17); the seat assembly releasably secured to the base

assembly at respective perimeters thereof to define an interior compartment (claims 11 and 20); and a zipper releasably securing the seat and base assembly such that the interior compartment is externally accessible (claim 12).

Tomas et al. discloses a baby gym-bouncer comprising a toy bar assembly having a toy bar frame 50 pivotally mounted to the seat frame. A plurality of toys 202 are releasably mounted to the toy bar frame. Opposing ends of the toy bar frame each include a hub 72 pivotally engaged with a toy bar mount 60 such that the toy bar assembly may be selectively angularly oriented relative to the seat assembly. The seat assembly 14 is releasably secured to the base assembly 16 at respective perimeters thereof by a zipper 20 to define an interior compartment that is externally accessible. The adjustable toy bar assembly permits locating the toys within adjustable reach of the baby, and the releasable securement between the seat and base assemblies provides protection of the baby from potentially harmful outside elements.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the baby gym-bouncer of *Riback* with the adjustable toy bar assembly and zipper securement of *Tomas et al.*, in order to provide the baby with adjustably positioned toys and protection from outside elements.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

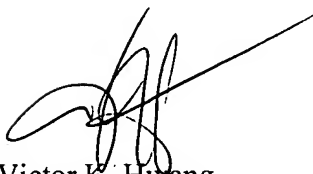
Freese et al. (US Pat. 5,172,955), *Freese et al.* (US Pat. 5,207,478), *Cheng et al.* (US Pat. 5,308,143), *Huang* (US Pat. 5,507,564), *Huang* (US Pat. 5,509,721) and *Chen* (US Pat. 6,902,230 B2) disclose baby-gym bouncers having relatively pivotal seat and base assemblies.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor K. Hwang whose telephone number is (571) 272-4976. The examiner can normally be reached Monday through Friday from 7:30 AM to 4:00 PM Eastern time.


The facsimile number for submitting papers directly to the examiner for informal correspondence is (571) 273-4976. The facsimile number for submitting all formal correspondence is (571) 273-8300.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jackie Ho can be reached on (571) 272-4696.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Victor K. Hwang
November 13, 2006



(JACKIE) TAN-UYEN HO
PRIMARY EXAMINER
11/13/06